

### **REMARKS**

Claims 1-6, 43-48, and 85-90 are pending. By this amendment, claims 1, 43, and 86 are amended in response to the 35 U.S.C. §112 rejections and to more precisely recite the novel features of the present application. No new matter is introduced. Support for the amendments may be found at least at page 9, line 17 to page 10, line 3, page 10, lines 4-7, page 10, line 20 to page 11, line 2, and page 11, lines 3-15 of the specification. Reconsideration and allowance of all pending claims is respectfully requested in view of the preceding amendments and following remarks.

Entry of the above amendments is proper under 37 C.F.R. § 1.116 because the amendments (1) place the claims in better form for appeal if needed; and (2) do not introduce any elements requiring further search by the Examiner.

#### **Claim Rejections Under 35 U.S.C. §112**

Claims 1-6, 43-48, and 85-91 are rejected under 35 U.S.C. §112, first paragraph and second paragraph. Independent claims 1, 43, and 86 have been amended to more particularly recite the novel features of the present application. Applicant respectfully submits that the limitations in amended claims 1, 43, and 86 are described in the specification in such a way as to enable one skilled in the art to make and use the invention, and that the amended claims particularly point out and distinctly claim the subject matter which the applicant regards as his invention. Withdrawal of the rejections under 35 U.S.C. §112 is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-6, 43-48, and 85-91 are rejected under 35 U.S.C. §103 (a) over U.S. Patent 6,064,986 to Edelman (hereafter Edelman) in view of U.S. Patent 6,061,661 to Hagan (hereafter Hagan) and further in view of "The Handbook of Fixed Income Securities" by Fabozzi, et al. (hereafter Fabozzi) as discussed in paragraph 3 of the Office Action mailed on February 15, 2005. The February 15, 2005 Office Action asserts that Edelman teaches the feature of determining, via a computer system, when to end an investment period based on parameters at column 11, lines 10-17, column 25, lines 54-56, and claim 2d and 2e. This rejection is respectfully traversed.

Claims 3 and 45 were cancelled in the July 14, 2004 Response. The rejection of claims 3 and 45 is moot.

Edelman is directed to a computer program product, system or process that administer resources of a customer for the benefit of a beneficiary. Hagan is directed to a system for monitoring increasing income financial products. Fabozzi is directed to Fixed Income

Securities. Edelman recites, at column 11, lines 10-17, column 25, lines 54-56, and claim 2d and 2e, respectively:

The instructions and the process also include determining, by the user or the computer, a predetermined period of time based on an age of the beneficiary at which withdrawals do not incur a tax penalty, and administering, by the trustee with the assistance of the computer, the resources in an annuity investment growing tax deferred for the predetermined period of time or until occurrence of a predetermined event. The predetermined event enables withdrawals without incurring tax penalty.

.....

When the beneficiary reaches the age of distribution (designated by the Grantor), the trust assets will be distributed to the beneficiary.

.....

(d) determining a predetermined period of time based on an age of the beneficiary at which withdrawals do not incur a tax penalty;

(e) administering the resources including allocating of the resources in an annuity investment for at least one of the predetermined period of time and until occurrence of a predetermined event;

As noted in the July 19, 2005 Response, Edelman's system determines a predetermined period of time based on an age of the beneficiary at which withdrawals do not incur a tax penalty. When the beneficiary reaches the age of distribution, the trust assets will be distributed to the beneficiary. Edelman's system administers or allocates resources in an annuity investment for the predetermined period of time (based on the age of the beneficiary) or until occurrence of a predetermined event (such as death), which enables withdrawals without incurring tax penalty. In short, Edelman's system only determines a time period based on a beneficiary's age or a special event so that the beneficiary can withdraw his or her investment without incurring tax penalty. Determining a time period based on a beneficiary's age or a special event is different from determining when to end an investment period based on established investment parameters.

Additionally, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest the features of determining when to distribute the fixed interest and when to selectively distribute the contingent interest based on the established investment parameters. The investment parameters are described, for example, at page 9, line 13 to page 10, line 3 of the present application and include: "the time duration for the investment period; the percentage distribution of the funds between the fixed and contingent components; when

to distribute the fixed interest, if at all, during the investment period; when to selectively distribute the pooled contingent interest for multiple clients, if at all, during the investment period; and the percentage of funds invested for each client in the pooled fixed and contingent components for multiple clients.”

In contrast to Edelman, Hagan, and Fabozzi, amended claim 1 recites: “establishing investment parameters, wherein the investment parameters include a time duration for an investment period and a percentage distribution of the funds between a fixed component and a contingent component ... determining, via a computer system, when to distribute the fixed interest based on the established investment parameters; determining, via the computer system, when to selectively distribute the contingent interest based on the established investment parameters; determining, via the computer system, when to end an investment period based on the established investment parameters” (emphasis added). As noted above, none of the references disclose or suggest these features. Accordingly, amended claim 1 is allowable.

Claims 2, 4-6, 85, and 91 are allowable at least because they depend from allowable claim 1 and for the additional features they recite.

Regarding claim 43, for at least the same reason as stated above with respect to claim 1, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest “wherein the data structure establishes investment parameters including a time duration for an investment period, a percentage distribution of the funds between a fixed component and a contingent component, wherein the data structure determines when to distribute the fixed interest and when to selectively distribute the contingent interest based on the established investment parameters, wherein the data structure determines when to end an investment period based on the established investment parameters,” as recited in amended claim 43 (emphasis added). Therefore, amended claim 43 is patentable over Edelman, Hagan, and Fabozzi.

Claims 44, 46-48 are allowable at least because they depend from allowable claim 43 and for the additional features they recite.

Regarding claim 86, for at least the same reason as stated above with respect to claim 1, Edelman, Hagan, and Fabozzi, individually and in combination, do not disclose or suggest “establishing investment parameters, wherein the investment parameters include a time duration for an investment period and a percentage distribution of the funds between a fixed component and a contingent component ... determining, via a computer system, when to distribute the fixed interest based on the established investment parameters; determining, via

the computer system, when to selectively distribute the contingent interest based on the established investment parameters; determining, via the computer system, when to end an investment period based on the established investment parameters,” as recited in amended claim 86 (emphasis added). Therefore, amended claim 86 is patentable over Edelman, Hagan, and Fabozzi.


Claims 87-90 are allowable at least because they depend from allowable claim 86 and for the additional features they recite. Withdrawal of the rejection of claims 1-2, 4-6, 43-44, 46-48, and 85-91 under 35 U.S.C. § 103 (a) is respectfully requested.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant’s undersigned representative at the telephone number listed below.

Respectfully submitted,

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